

**United States Environmental Protection Agency
Criminal Investigation Division
Investigative Activity Report**

Investigation Number:
03144-0600

Reporting Office:
Dallas, TX, Area Office

Investigation Name:
Arkansas Gravel Company

Activity Date:
10/26/2021

Subject of Report:
2021-09-29; Interview of (b) (6), (b) (7)(C)

Reporting Official and Date:
(b) (6), (b) (7)(C)

Special Agent
26 Oct 2021, Signed by (b) (6), (b) (7)(C)

Approving Official and Date:
(b) (6), (b) (7)(C)

Assistant Special Agent in Charge
28 Oct 2021, Approved by (b) (6), (b) (7)(C)
Assistant Special Agent in Charge

DETAILS:

On September 29, 2021, Special Agent (SA) (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) (Calhoun County Sheriff's Office) conducted a meeting and consensual interview of (b) (6), (b) (7)(C) on location at the Arkansas Gravel Co, Inc. (AGC) in Hampton, Arkansas. The meeting and interview of (b) (6), (b) (7)(C), which (b) (6), voluntarily consented to, was recorded via (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) body worn camera and a copy of the audio/video recording was downloaded for evidentiary purposes. This report serves as a summary of the information provided by (b) (6), (b) (7)(C) and is not verbatim unless noted.

(b) (6), (b) (7)(C) and reports directly to (b) (6), (b) (7)(C) (hereinafter (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) has

Charles "Chuck" Martin was hired approximately two weeks ago by Irene; (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) asked him to "feel out" Martin to see what he did and didn't know and show him around the property. (b) (6), (b) (7)(C) said Martin appeared to have experience working on the property and "acted familiar with the area". (b) (6), (b) (7)(C) said during a tour of the property he told Martin, "There's a pipeline here, stay the hell away from it." (b) (6), (b) (7)(C) started Martin out on a bulldozer and after observing him work thought "it was obvious he was an operator" and was experienced on heavy equipment.

On September 23, 2021, around lunch time, (b) (6), (b) (7)(C) visited the area known as the "North 40" on the AGC property, which is where (b) (6), (b) (7)(C) and Martin were working on heavy equipment and "stripping" looking for gravel. (b) (6), (b) (7)(C) worked the majority of the time on an excavator at the gravel plant.

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(b) (6), (b) (7)(C)

and related how digging operations should be performed when in a scenario where crews are working to uncover a pipeline on purpose; in such a scenario, (b) (6), (b) (7)(C) said, “One, you don’t dig right on top, you dig off to the side, and then usually you have a person with a shovel – they get closer and closer, at that point you just get the excess out of the way until you locate the line.” Haycox said if you want to dig near a pipeline you’re supposed to “call ‘One Call’ ...they come out and locate the utilities, used to be 48-72 hours you have to give them advance notice...” and “you’re still liable” if you hit the pipeline.

(b) (6), (b) (7)(C) later stated it takes a significant amount of pressure to cause a puncture to a steel pipe even with an excavator the size of the Hyundai 480, which was operated by Martin on September 23, 2021. (b) (6), (b) (7)(C) said a steel pipeline has a “different feel” when you contact it with the bucket of an excavator versus hard dirt.

SA (b) (6), (b) (7)(C) showed (b) (6), (b) (7)(C) several photographs of the damaged pipeline and when (b) (6), (b) (7)(C) observed the puncture to the line, (b) (6), (b) (7)(C) stated “that’s no blowed out, that’s pushed in...” (b) (6), (b) (7)(C) earlier stated that “where that tooth mark is, I don’t know how much PSI was on here, but for that to do that...” and while making a quick hand motion down, continued, “...that’s almost jabbing on it.” (b) (6), (b) (7)(C) stated an excavator operator would be able to tell the difference in hard, virgin ground versus softer ground and any resistance should lead an operator to look at what it is before digging further. (b) (6), (b) (7)(C) later opined that based on the photographs of the pipeline damage, it appeared to (b) (6), (b) (7)(C) there was at least two different swipes of the bucket on the pipeline, possibly three.

(b) (6), (b) (7)(C) said AGC has not provided any type of training to employees regarding utility lines because “we don’t do that, there’s no reason for us to dig up a utility at all...if we needed it done...we’d call...whoever the proper utility was for them to come...” (b) (6), (b) (7)(C) said AGC has not conducted any directed work on or near the pipeline since (b) (6), (b) (7)(C) employment there. (b) (6), (b) (7)(C) volunteered, “There’s some stuff, it makes no sense to me...when you find the picture with the long scar and tooth mark, it almost give me chills because to think someone would do something so stupid...”

(b) (6), (b) (7)(C) accompanied investigators to the location where Martin struck the pipeline to get a better idea of what occurred. (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) received a phone call from (b) (6), (b) (7)(C) stating the pipeline was struck and a short time later, (b) (6), (b) (7)(C) smelled the odor of anhydrous ammonia drifting towards (b) (6), (b) (7)(C) location at the gravel plant. (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) got off the excavator (b) (6), (b) (7)(C) was working on and left the area in (b) (6), (b) (7)(C) truck. (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) came upon (b) (6), (b) (7)(C) who was knocking on residence doors to advise people to evacuate; (b) (6), (b) (7)(C) joined with (b) (6), (b) (7)(C) to get folks evacuated. (b) (6), (b) (7)(C) came upon (b) (6), (b) (7)(C) and asked (b) (6), (b) (7)(C) if (b) (6), (b) (7)(C) was okay and what happened and where was Martin. (b) (6), (b) (7)(C) told (b) (6), (b) (7)(C) Martin drove away from the site.

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(b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) never drove or operated equipment on the levee running north and south that parallels the pipeline and has driven equipment out of the way to avoid running on the pipeline. (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) was aware of the pipeline marker at the intersection of the main haul road and the trail that runs north and south and stated, “Say I’m walking on a machine tracking it way, you’re going to see it (pipeline marker)...you can’t not see it...when I say I got no idea, a logical legit reason, I still can’t come up with one.”

(b) (6), (b) (7)(C) advised (b) (6), (b) (7)(C) is perplexed as to why Martin was in the area where he struck the pipeline as that specific area contains “stripping” (dirt) that came from previously dug areas. (b) (6), (b) (7)(C) kept Martin company on the morning of September 27, 2021, until (b) (6), (b) (7)(C) could take Martin for a (b) (6), (b) (7)(C) but (b) (6), (b) (7)(C) didn’t engage Martin in any conversation with him about the pipeline incident.

ATTACHMENT(S):